



REPUBLIC OF KENYA



**Wakaba v Republic (Revision Case E615 of 2022)  
[2023] KEHC 3436 (KLR) (20 April 2023) (Ruling)**

Neutral citation: [2023] KEHC 3436 (KLR)

**REPUBLIC OF KENYA  
IN THE HIGH COURT AT NAKURU  
REVISION CASE E615 OF 2022**

**HM NYAGA, J**

**APRIL 20, 2023**

**BETWEEN**

**ROBERT GATHURA WAKABA ..... APPLICANT**

**AND**

**REPUBLIC ..... RESPONDENT**

**RULING**

1. The Applicant Robert Gathura Wakaba was convicted on his own plea of guilty for the offence of Stealing contrary to Section 268 as read with Section 275 of the *Penal Code* and sentenced to serve 6 months' imprisonment on November 15, 2022.
2. He has so far served about 5 months and 5 days in prison.
3. In the Sentence Review Report filed on February 1, 2023 the Community Service Officer, Douglas Mwiraria recommends community service.
4. According to the said Report the convict is a class three drop out and prior to his arrest he was staying with his aunt at Maili Sita. His aunt is willing to accommodate him upon release. The prison officers state that the convict has been conducting himself well while in prison. The Applicant is remorseful.
5. In light of the above and with the view to decongest the prison I hereby exercise judicial discretion and suspend the remainder of the prison and order for the release of the convict Robert Gathura Wakaba from prison forthwith unless otherwise lawfully held.
6. File closed.

**DATED, SIGNED & DELIVERED AT NAKURU THIS 20<sup>TH</sup> APRIL, 2023.**

**H.M. NYAGA**

**JUDGE**



**In the presence of:**

C/A Jeniffer

Ms Murunga for state

Applicant – N/A

